

September 11, 2023

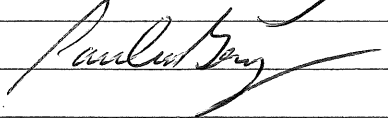
To:

Clerk of the Court
United States District Court District of New Jersey
Martin Luther King Jr. Federal Courthouse and
Building
50 Walnut Street, PO Box 999
Newark, New Jersey 07101-0999

Re: Paul W. Bergen v. United States,
No. 09-cr-369

Dear Honorable Clerk:

Please docket the above-enclosed
filed-captioned matter.

Thank you,
Most respectfully,


September 11, 2023
(Solemn Day)

Hon. Madeline Cox-Arleo, Judge U.S.D.J.
Martin Luther King Jr. Federal Building and
Courthouse
50 Walnut Street, P.O. Box 999
Newark, NJ 07101-0999

Re: Paul Bergin v. United States, No. 09-cr-369

MOTION FOR JUDICIAL INTERVENTION ORDERING
THE UNITED STATES DEPARTMENT OF JUSTICE (FEDERAL
BUREAU OF PRISONS) TO INVESTIGATE, CEASE, DESIST,
AND PROSECUTE ATROCITIES, MISCONDUCT, ABUSE AND
CRIMINALITY AT THE UNITED STATES PENITENTIARY MAX
(ADX); WHICH IS DELIBERIOUSLY IMPACTING THE
HEALTH, WELFARE AND SAFETY OF PETITIONER-
PLAINTIFF.

COMES NOW, Petitioner-Plaintiff, Paul
W. Bergin, whom emergently moves this Honorable
Court to Order an hearing and investigation into the
specifically described acts in the accompanying Certification,
which illustrates acts of atrocities, misconduct, malfeasance,
misfeasance and intentional criminality at the United
States Penitentiary Max (ADX); which is del. teriously
impacting the health, welfare and safety of Petitioner-
Plaintiff.

THIS IS NOT (EMPHASIS ADDED) AN
MOTION RELEVANT TO THE ABHORRENT CONDITIONS
OF CONFINEMENT AT THE ADX. (Emphasis added); but
an motion-submission wholly related to the evisceration
of Petitioner's 5th, 6th, 8th and 14th Amendment
Constitutional Rights, and, most importantly, the
consequential impact upon the physical, mental, emotional
and psychological well being of Petitioner-Plaintiff.

An expedited-emergent hearing on this motion is requested and Petitioner-Plaintiff will rely on the investigation and attached sworn certification.

Most respectfully,
Paula Bryson

Dated: September 11, 2023.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

PAUL W. BERGRIN,
Petitioner - Plaintiff,

v.

UNITED STATES OF AMERICA,
Respondent - Defendant.

Docket No.: 09-cr-369

I, Paul W. Bergin, Petitioner - Plaintiff in the above captioned matter, being wholly cognizant of the facts contained herein, do make the following statements - certification under the penalties of perjury.

CERTIFICATION OF PAUL W. BERGRIN

1. The facts averred in this sworn statement are irrefutable, indisputable and not subject to contestation.

2. The "H" Unit:

(a) Petitioner is in the "Special Security Unit" or H-Unit at ADX Florence. There are currently approximately 154,000 persons in federal custody, approximately 70-80 of which are subject to Special Administrative Measures (SAMs).

Petitioner is kept in solitary confinement for the past approximate seven (7) years and has limited opportunity to communicate with others. He spends a minimum of 22-24 hours per day locked in a cell consisting of 75 square feet of living place. The cell has thick concrete walls and a solid steel door that prevents Petitioner from viewing the interiors of other cells or having direct contact with others.

The cell contains a small window in the steel door and a single window slit to the outside, through which the only view is a cement yard. Meals are received through a slot in the door and are eaten alone.

Petitioner is never in the physical presence

of a guard or prison staff without handcuffs.

Recreation is extremely limited - de minimis and occurs either in a small indoor room or an outdoor cage, known as a "dog run" because it resembles an animal kennel. The cage is surrounded by tall concrete walls and covered on top with thick fencing that obscures any view outside the walls. The cages are infested with mosquitoes, insects, bugs and bird feces most of the time; they have also included dead birds, rodents and bird particles. The cages are unkept, filthy, dirty, covered with dust and only cleaned approximately one (1) time per week. There are orderlies assigned to the A and B yards, which consist of six (6) kennels in each, but due to laziness, apathy and ineptness they are denied cleaning access usually.

3. Recreation

(a). The warden and his hand selected executive staff, dominated by Neo-Nazi-white Supremists, consistently and criminally cancel recreation, causing great suffering, torment and sadism.

For example, in June of this year the warden cancelled recreation for 150 consecutive hours and the duration of six (6) consecutive days. Petitioner was confined to his 75 square foot cell so the warden, his executive staff and prison guards could celebrate correction officers week and while being fully paid by the taxpayers, play golf, horseshoes and corn-hole.

The warden made the depraved, demented and mentally ill decision to fraudulently - criminally pay his staff - (he retardedly believes he owns the guards) to play and not work. This is not an anomaly. This is the norm. The warden whom rose through the ranks under AG Barr and his selectee Carvajal (Former FBOP Director) (who shares the same criminal mind set and deranged intent, as well as deviancy) (He is protected by the Regional Director, Andre Matevosian, a Carvajal crony and direct appointee of Carvajal, whom is a left-over from prior administration) while being confined to his cell for all these

days, Petitioner was compelled to agonize the cruelty of not only solitary confinement, but the bar walls of his cell continuously and without a scintilla of fresh air. Six full days with total sensory deprivation is torture.

b. The warden not only cancelled recreation for those six (6) days this past June, but every month on the average recreation is cancelled an average of one (1) day per week; for absurd, unjustified deprivations such as manpower shortages which are non-existent, every single federal holiday (which all FBOP employees receive holiday pay for), for one hour of generator tests, for harvest day when all cuts are complete within approximately an hour and early in the morning; and for other absurd - obnoxious - toxic - irrational excesses which are unjustified.

The horrific - tormentous and permanent injury caused by not only solitary confinement but wholesale (claustrophobic) sadistic confinement to a small cell is not even contemplated by an illogical mind. It is pure evil.

4. Manpower Shortages (Imaginary as they are).

The flagrant criminal fraud committed at the ADX and to which the Warden and his executive staff are wholly complicit, is beyond realm.

The warden assigns hand selected cronies and those advantaged through his nepotism, to positions of authority and prime assignments. Henceforth, they cover-up and protect his unconstitutional, policy and criminal statute deprivations - contraventions.

His STAFF (non-guards), work only Monday to Friday from 7:00 - 8:00 a.m. to 2:00 p.m. None of them work either holidays nor week-ends and more than 30 hours per week. He has staff working (some), for (4) days per week only 6-7 hours per day, when they are taxpayer paid for a full 70 hours. Consequently, there is no (emphasis added) manpower shortage at the ADX, but only criminal fraud

of favored staff being paid for a full-time position, but only working part-time hours. Thus, essential services are lacking and inmate-Petitioner suffers from not receiving adequate medical care and recreation being routinely cancelled. There are services that would be provided if only all staff worked 40 hours per week, but because they do not there are deprivations.

5. Medical Care and Treatment.

(a). Medical Care And Treatment.

Competent - timely - emergency care and treatment are non-existent. The Director of Medical Services is incompetent and completely apathetic, as is the Appointer of him - the warden.

Petitioner was bleeding internally and profusely; incapable of getting out of bed and suffering from going in and out of consciousness. Petitioner lay in his bed covered in feces and blood, unable to eat any meals and pale from loss of blood. Medical assistance was pleaded for but ignored, until a C.O. Mr. Perkins, a former U.S. Marine, emergently contacted his Lt. and advised him that I was going to die. I begged for help for three (3) full days. When the Lt. observed my condition he called for an emergency civilian ambulance and I was rushed to St. Mary's Hospital. The ER Dr. informed me that I was within one (1) hour or less of death and I was given five (5) units - consecutively of blood. I remained hospitalized for a week.

This is only one simple example. During the past (60) sixty days I have placed eight (8) sick call slips for emergent care. I have had extreme stomach cramps and have been urinating excessively.

I know there is something seriously wrong. After eight (8) sick call slips, the filing of a BP-8 - administrative remedy, blood and urine were taken six (6) weeks ago; to date I have no clue of the results, even subsequent to multiple requests.

The administration wants Petitioner to die.

(b). Dental Treatment.

The only treatment given by dental is extraction. They do not cap, remediate nor make any attempt to save a tooth. This happened to Petitioner this year, as he experienced an excruciating toothache for five (5) days before being taken to dental. Other inmates experienced the same atrocity. Their treatment consisted of extraction!

Enclosed as exhibit A is how this Warden and his medical director think about care and dental treatment; Petitioner cannot even act cautiously and seek cleaning, examination, x-rays to prevent - preclude an extraction. They think that 2+ years to see a Dentist is normal.

It takes longer than two (2) years to have a dental examination, cleaning, treatment and this administration thinks this is normal - right - just and fair. By the time there is a diagnosis of a dental problem, their only remedy is removal - extraction of a damaged - decayed tooth; caused by their deliberate and pathetic - repugnant delays in treatment - diagnosis.

(c). Psychiatric Care.

It takes more than two (2) years to get into a group counselling program; and, during times of desperation and need for solace and the pain, anguish and torment of isolation, solitary confinement and loneliness, guards routinely ignore cries for psychological counselling or aid. This has happened to Petitioner, as when this warden cancelled rec on a plethora of occasions; help was nowhere to be found; even during crisis! Guards are prone to not calling for help.

(d). Optical Care - Treatment.

Petitioner sought an eye exam for over two (2) years and eye-glasses that had been ordered two years ago.

Subsequent to multiple administrative filings Petitioner was delivered eye glasses that had a (2) two year old prescription. They made request 2 years for glasses. For two (2) years Petitioner experienced

Severe headaches and decreased vision which was ignored. I had trouble reading, watching television and visionary concerns. My pleas for help, like with everything else were ignored.

6. Mail:-

(a). My daughter, Beth Bergen sent me a multitude of photographs of my three (3) infant grandchildren. SIS Technician R. Turner delivered to me the envelope with Beth's letter, "enclosed please find new-updated photographs of your grandchildren," only there were no photographs. The AdX Mail Room in violation of federal law threw out the photographs. I was laughed at when I complained. (b). During the past several months and for fourteen (14) consecutive days, mail went undelivered and unprocessed; even legal mail that was seminal to my 6th Am Constitutional Rights and pending legal motions. It sat in the office of SIS Tech R. Turner in a box and collected dust. Petitioner pleaded that his mail be picked up and processed, but this was laughed at and ignored. The AdX refused to deliver my mail-even legal mail.

(c). Court Mail sent to me through my Attorney did not reach me for 21 days and mail-legal-privileged mail does not get sent out emergently, as mandated by FBOP Policy. When Petitioner sought administrative redress from the Regional Director, he covered-up the ineptitude of this warden and his mail room executives. These acts are not mistakes nor inadvertent. Mail sent to the AdX or sent out by inmate-Petitioner gets impeded, delayed and stymied as a matter of norm.

7. Meals - Food.

(a). The Warden selected a food services director whom is involved in blatant fabrication of records, fraud and inhumanity. For the past four (4) months almost every meal consists of a tea-spoon of tasteless shredded Chicken, over-cooked Black Beans and stale White Rice, with two slices of Bread. That is our meal and we have been served this repetitively and without reprieve. Petitioner is weak and getting

sick from sickening meals, extremely low in protein and vitamins. Even the bread served is hard, stale and white-bread. It is inedible-sickening and these meals are wholly inconsistent with the National Menu.

What is troublesome is that the Warden and Food Services Director are falsifying reports, administrative redresses and complaints by certifying that they are complying with the National Menu - an lie = fabrication - contravention of fact. The National Menu and its portion requirements are ignored daily.

(b). During June of this year, the Warden and his cronies stole - took - confiscated - used - cooked lunch for his guards from Petitioner - inmate food. On the next date he then cooked breakfast with our foods. (Emphasis added).

When Petitioner and other inmates are being starved, food was removed from our mouths by staff and executives, whom are paid extraordinarily above their worth. Most importantly, these food deprivations also occurred during and for Corrections Officer Week and as a reward for guards merely doing their job and being paid for it by taxpayers.

What is most troublesome, is that the commencement of Chicken, white Rice and Black Beans with stale white Bread also began as an every day ritual at the ADX, because the food budget was depleted by theft, fraud and feeding inmate food to guards. This is also when breakfasts, lunch and meals became devoid of any meaningful (outside-made) bought foods, desserts, etc.

To date, we are still receiving the inedible chicken meals daily and portions that may satisfy an infant child, while the Food Services Director and executives continue to falsify - criminally report that they are in compliance with the National Menu, and their criminality - fraud is condoned and endorsed by a corrupt Region, whom "rubber stamps" devoid of investigation. Knowingly fraud replies by this Warden.

8. HATE CRIMES - COVER-UPS.

(a). While at the ADX a prison guard assigned to the facilities division, whom is a known anti-semitic, white supremacist, knowingly and intentionally entered my cell control room and using scissors cut my cable television line and electrical circuit cable. This was recorded by video surveillance and the cut cables witnessed by Senior Officer Alan Oliver, whom reported it to executive staff and resulted in petitioner receiving new cables three (3) days later. This guard cut my power line deliberately and with malice aforethought. He destroyed govt property.

The surrounding areas in this section of Colorado - Florence, Canon City, Pueblo are inundated with mentally ill racists, anti-semites and white supremacist extremists many of whom are employed at the FBP and this institution. They are permitted to work here and abuse petitioner unimpeded.

(b). D. Parry, a prison guard, falsely, accused Petitioner of serious infractions - incidents and prepared and filed an fabricated Incident Report. Petitioner suffered extreme mental distress, an emotional break-down and psychological distress.

The audio and video (emphasis added) electronic surveillance proved, to an absolute certainty, that Parry falsified official reports. Petitioner was accused of "disobeying an order" while acting as orderly of the range ADP "attempting to seize the range. Serious."

These accusations were copiously - methodically reviewed and PROVEN to be fabricated by Parry; yet, he was able to continue in his duties for months before being forced to retire based upon misconduct. During the months preceding his retirement he again falsified evidence that inmate had showered, when the evidence proved this to be an outright lie; Petitioner was denied a shower.

Instead of being prosecuted as Petitioner pleaded he done, he suffered no consequences for criminal misconduct; because he was a condoned white-supremacist.

Parry was also under investigation for a vicious, savage, bloody beating - aggravated assault of

inmate Mustafa; whom is 100% disabled, Muslim and missing both hands. Hate crimes are over-looked and covered up when they should be vigorously prosecuted.

(C). Guard AKman called Petitioner "a fuckin Jew". He also searched, targeted and singled out Petitioner's cell for destruction, throwing objects against the wall and completely tearing apart Petitioner's cell and religious objects. He stole multiple religious items, including the Star of David, (destroyed it purposely) and even admitted it to his Lt. Ingram; whom Petitioner immediately reported it to. AKman told Ingram, he made a mistake. AKman also stole and never inventoried any items taken during these TWO (2) (Emphasis added) searches of only Petitioner's cell; he also stole "40.00 in U.S. Postage Stamps. All of this was captured on surveillance video.

Nothing has happened to AKman because he is an absolute known, condoned and patronized Neo-Nazi, white-Supremacist. His sickness goes unabated.

To add insult to injury, AKman still works the H unit on occasion. He walks around like he owns this place and his criminal misconduct covered-up.

This is the kind of "hate crimes," ignored, never prosecuted and accepted at the AIX; even though they are conclusively proven to have occurred and easily prosecutable. There is no deterrence nor punishment for guard atrocities.

Jews, Blacks and Muslims are routinely discriminated against at this institution and it is well documented through Petitioner's submissions; and evident-known by the Region. The Regional Director has received Petitioner's complaints on all these crimes and did nothing.

9. Administrative Redress.

Petitioner has filed administrative remedies and has thoroughly documented what is occurring at this institution.

The problem is that many issues-claims

find their way into the garbage can or since the Administrative Remedy Coordinator is hand picked by the warden, rejected for some assinine - amoral and defunct - non-existent procedural error. It is frustrating and violative of our 5th Amendment Procedural Due Process Rights.

If an issue is fortunate enough to make it through the Warden's retarded response, then it is "rubber stamped" by the Regional Director, whom hand selected his crook friend the warden. The Region never condemns nor acts on misconduct.

Consequently, there is no rebuke, oversight nor consequences for criminal atrocities, fraud, misconduct and apathetic mistreatment.

The repugancies remain, will continue into the future and remedial action will never be taken.

This is why this motion is fervent, ardent and seminal.

Grave miscarriages of justice, atrocious abhorractions and sadistic misery is inflicted on a daily basis to petitioners.

Justice-intervention means life or death!

Respectfully,

Paul A. Berger

Dated: September 11, 2023.

cc: Lawrence Lustberg, Esq.
Philip Selinger, U.S. Attorney, N.J.
Merrick Garland, United States Attorney General
Colette Peters, Director FBIOP.

BP-229 Part B - Response

Case Number: 1173446-F1

This is in response to your Request for Administrative Remedy, received August 23, 2023, wherein you claim you have been waiting over two years for routine dental care and have yet to be seen. As relief, you request to be seen by dental for routine care.

The results of the review revealed you were placed on the National Dental Routine Treatment list on October 01, 2021. According to Program Statement 6400.03, non-emergent dental care such as dental hygiene/cleanings will be scheduled in the order the request to staff was received, utilizing the national dental waiting list system in order to ensure the process is as fair and equitable as possible. Once you are eligible, you will be scheduled for your routine cleaning in the Dental Clinic.

Accordingly, this response to your Request for Administrative Remedy is for informational purposes only.

In the event you are not satisfied with this response and wish to appeal, you may do so within 20 calendar days of the date of this response. You will need to submit a BP-230(13) to the Regional Director, Federal Bureau of Prisons, North Central Regional Office, Gateway Complex, Tower II, 8th Floor, 400 State Avenue, Kansas City, Kansas 66101-2492.



A. Ciolli, Complex Warden

8.31.23

Date

2 + years

[A]